



# Advisory Circular

**Subject:** Transition Document for  
14 CFR Part 21

**Date:** DRAFT  
**Initiated by:** AIR-200

**AC No:** 21-Trans

## 1. What is the purpose of this Advisory Circular?

This advisory circular (AC) provides information concerning changes to Title 14, Code of Federal Regulations (14 CFR) Part 21, Certification Procedures for Products and Parts (Part 21). The intent of this AC is to facilitate the transition from the old Part 21 rule to the new Part 21 rule. This AC is not mandatory and does not constitute a regulation. This AC describes an acceptable means, but not the only means, to meet the new requirements of Part 21.

## 2. Who does this AC apply to?

This AC applies to anyone who seeks information concerning the new rule and its impact on certification procedures for products and parts.

## 3. What are the effective dates of this AC?

This AC is effective upon signing of the final rule, and will be cancelled 18 months after issuance of the final rule.

## 4. When do I have to start operating to the new Part 21 rule?

The new rule becomes effective 18 months after the final rule publication, at which time you are expected to follow the new requirements. However, you should contact your local manufacturing inspection district office (MIDO) or aircraft certification office (ACO) before starting to transition.

## 5. As a current production approval holder, how do I transition to the new requirements?

Within 6 months of publication of the final rule, a production approval holder (PAH) should begin the process of transitioning to the new requirements. Transitioning includes, but is not limited to—

- a. Coordinating with your local MIDO,

- b.** Reviewing your current quality system and noting the differences between the existing system and the new quality system requirements, and
- c.** Submitting a letter to the MIDO stating the current status of your quality system, as well as your ability to meet other changes to Part 21.

## **6. What global amendments were made in the Part 21 rule?**

A global amendment replaces one term or phrase with another throughout an entire document. In addition to the specific revisions discussed in paragraphs 8 through 22 of this AC, the following global amendments apply to the Part 21 rule:

- a.** Remove the phrase “Federal Aviation Regulations.” The rule follows Federal Register direction not to use this generic reference in the regulations, and thus replaces “Federal Aviation Regulations” and its abbreviation “FAR” with more specific references such as “this subchapter,” “this title,” “14 CFR,” or “49 U.S.C.,” as appropriate.
- b.** Apply the definition of “article” in § 21.1(b)(2) throughout Part 21. “Article” is used to simplify regulatory language when referring to materials, parts, components, processes, or appliances.
- c.** Add the phrase “or jurisdiction” to existing references to agreements between the United States and other countries, clarifying that these agreements are not always with other countries. The Federal Aviation Administration (FAA) may make agreements with any noncommercial entity that the U.S. Department of State authorizes (for example, the European Union).
- d.** Define and globally apply the terms, “State of Design” and “State of Manufacture” to help refer, as applicable, to particular foreign entities. Many existing terms and concepts used to describe aviation counterparts to the FAA were established over 40 years ago and are outdated. The intent is to use current, internationally accepted terms in referring to aviation certification entities other than the FAA.
- e.** Apply 14 CFR Part 1 abbreviations for Parts Manufacturer Approval (PMA) and Technical Standard Order (TSO) authorization to 14 CFR Parts 21 and 45. The rule uses longstanding and widely understood abbreviations to simplify the language of the regulations.
- f.** Replace the phrase “quality control system” with “quality system.” The term “quality control” commonly refers to a specific discipline within the broader discipline of quality. The new rule clarifies that Part 21 quality requirements apply to the entire quality function of a PAH.
- g.** Remove numerous references to FAA form numbers. Since FAA form numbers are subject to change, the FAA does not consider it appropriate to refer to such numbers in the regulations.

**h.** Replace the word “Administrator” with the word “FAA.” The rule uses simple, clear language.

**i.** Replace the word “shall” with the word “must.”

**j.** Replace the masculine pronouns “he” and “his” with gender-neutral terms. The rule uses plain language.

## **7. What’s new to the rule in subpart A, General?**

**a. Section 21.1, Applicability and definitions.** The new rule revises the heading and the section to reflect more clearly the contents of the part and the section and to revise the list of definitions for Part 21. It includes “definitions” in the heading to reflect more clearly the contents of this section. Furthermore, paragraphs in this section are revised as described in the following table:

| <b>Paragraph</b> | <b>Revision</b>   |
|------------------|---|
| 21.1(a)(1)       | Lists the following types of approvals that Part 21 addresses: <ul style="list-style-type: none"><li>• Design approvals</li><li>• Production approvals</li><li>• Airworthiness certificates</li><li>• Airworthiness approvals</li></ul>   |
| 21.1(a)(2)       | Clarifies that Part 21 contains rules that apply to both applicants for and holders of any approval or certificate specified in § 21.1(a)(1).   |
| 21.1(b)          | Provides in paragraphs (b)(1) through (b)(9) definitions applicable to Part 21: <ul style="list-style-type: none"><li>• Airworthiness approval</li><li>• Article</li><li>• Commercial part</li><li>• Design approval</li><li>• Product</li><li>• Production approval</li><li>• Standard part</li><li>• State of Design</li><li>• State of Manufacture</li></ul> |

**b. Section 21.2, Falsification of applications, reports, or records.** Paragraphs in this section are revised as described in the following table:

| Paragraph             | Revision  |
|-----------------------|---|
| 21.2(a)(1) and (a)(2) | Amended so that a misleading statement is treated as seriously as a fraudulent or intentionally false statement. In addition, § 21.2 (a)(2) refers to an entry in any record or report that is required to be kept, made, or used to show compliance with any requirement of this part.                                     |
| 21.2(b)               | Expands the consequences of committing prohibited actions to include denying issuance of any certificate or approval under this part. This change is intended to clarify the FAA's right to deny issuance of certificates or approvals when the prohibited actions occur before the FAA issues the certificate or approval. |

**c. Section 21.3, Reporting of failures, malfunctions, and defects.** Paragraphs in this section are revised as described in the following table:

| Paragraph  | Revision  |
|------------|---|
| 21.3(d)(2) | Clarifies that approvals, not type certificates (TCs), are issued under proposed § 21.621.  |
| 21.3(e)(3) | Replaces specific product and part identification requirements with a reference to Part 45 where these part-marking requirements are defined. The intent of this change is to— <ul style="list-style-type: none"> <li>• Consolidate detailed part-marking requirements into Part 45, and</li> <li>• Expand reporting requirements to include all applicable product and part identification information required by Part 45 to enhance the FAA's ability to respond to service difficulty reports.</li> </ul> |
| 21.3(f)    | Expands reporting requirements to apply to all PAHs.  |

**d. Section 21.7, Approval of articles.** Relocates § 21.305 to subpart A. The intent of this change is to provide a more appropriate location for this requirement. This requirement is directed to all persons and more appropriately belongs in a general subpart. This requirement also allows us to limit subpart K to PMA requirements only.

**e. Section 21.9, Replacement and modification parts.** Paragraphs in this section are revised as described in the following table:

| Paragraph  | Revision   |
|------------|--|
| 21.9(a)    | Amends subpart A by relocating §§ 21.303(a) and (b) from subpart K and combining the information into one paragraph as § 21.9(a). The intent of this change is to— <ul style="list-style-type: none"> <li>• Provide a more appropriate location for this requirement. This requirement is directed to all persons and more appropriately belongs in a general subpart instead of subpart K. This requirement also allows us to limit subpart K to PMA requirements only; and</li> <li>• Amend current paragraph §21.303(a) to state that a person who produces a replacement or modification part for sale may not represent that part as suitable for installation on a type-certificated product.</li> </ul> |
| 21.9(a)(4) | Adds a new category of replacement and modification parts, called commercial parts.  |
| 21.9(b)    | Prohibits a person who produces a replacement or modification part for sale from representing that part as suitable for installation on a type-certificated product, except under the provisions of proposed §21.9(a)(1) through (a)(4). The following statements are examples of FAA requirements for use on a specific type-certificated product have been met: <ul style="list-style-type: none"> <li>• “Aviation quality.”</li> <li>• “Direct replacement for aircraft XX.”</li> <li>• “Ready to use in your aircraft.”</li> <li>• “Reproduction of (approved) part number XX”</li> <li>• “Fits aircraft model XX.”</li> </ul>   |
| 21.9(c)    | Adds the provision for surplus military parts used on certificated surplus military aircraft.  |

## 8. What’s new to the rule in subpart B, Type Certificates?

**a. Section 21.15, Application for type certificate.** The rule amends § 21.15(a) by replacing “Aircraft Certification Office” with “aircraft certification office.” The intent of this change is to clarify that “aircraft certification office” may refer to an office in a foreign country or jurisdiction if the applicant is a person in a foreign country or jurisdiction with which the United States has an aviation safety agreement.

**b. Section 21.20, Compliance with applicable requirements.** The rule amends subpart B by adding § 21.20 to require an applicant for a TC, including a supplemental type certificate (STC), to show compliance with all applicable requirements and to provide the FAA the means by which such compliance has been shown. The intent of this change is to emphasize that the applicant is responsible for satisfying all applicable requirements.

**c. Section 21.29, Issue of type certificate: Import products.** The rule revises this section to incorporate numerous global language amendments. The intent of this change is discussed under paragraph 6 of this AC.

**d. Section 21.45, Privileges.** The rule amends paragraph (b) to correct a typographical error by changing “or certified aircraft” to “on certificated aircraft.” The rule also replaces the section cross-references in paragraph (c) with subpart G cross-references.

**e. Section 21.47, Transferability.** The rule revises this section by requiring a grantor to notify the FAA of TC transfer where the State of Design is changing before the transfer occurs. When the old regulations were written, the FAA did not consider the need to address these types of TC transfers. However, TC transfers where the State of Design is changing have become commonplace and are addressed in our aviation safety agreements with other countries and jurisdictions. Transferring a TC where the State of Design is changing requires FAA coordination with the foreign State of Design to identify the detailed requirements in support of the transfer and to reduce any burden on the FAA for managing the certificate. This change is intended to provide the FAA time to coordinate between affected FAA offices and with the foreign State of Design to support and execute a TC transfer.

**f. Section 21.53, Statement of conformity.** The rule amends this section by revising paragraph (a) to remove “(FAA Form 317).” This form is obsolete and has been replaced by FAA Form 8130-9. In general, the FAA intends to avoid references to specific forms within the regulations for the very reason the FAA proposed to remove this reference to FAA Form 317; FAA forms change much more quickly than the FAA is able to reflect in the regulations. In this paragraph, “conforms to the type design therefore” is replaced with “conforms to its type design” to improve clarity.

## **9. What’s new to the rule in subpart C, Provisional Type Certificates?**

**a. Section 21.73, Eligibility.** The rule amends § 21.73 by replacing the words “Any manufacturer of aircraft manufactured in a foreign country with which the United States has an agreement” in paragraph (b) with “Any foreign manufacturer of aircraft who is subject to the provisions of an aviation safety agreement with the United States.” The intent of this change is to improve the clarity of the text.

**b. Section 21.75, Application.** The rule revises this section to remove detailed requirements related to where an applicant must submit an application for a provisional type certificate and, instead, to require submission to the appropriate aircraft certification office. The intent of this change is to provide flexibility to the FAA in managing the provisional type certification process. The new rule enables more efficient and effective use of FAA resources and is consistent with the open application process used for other design approvals.

## **10. What's new to the rule in subpart D, Changes To Type Certificates?**

The rule revises § 21.97(a) to add requirements for an applicant for approval of a major change in type design. The intent of this change is discussed under § 21.20 (paragraph 8b of this AC). The applicant must—

- a.** Show that the changed product complies with the applicable requirements of this subchapter.
- b.** Provide the FAA the means by which such compliance has been shown.
- c.** Submit a statement certifying the applicant has complied with the applicable requirements.

## **11. What's new to the rule in subpart E, Supplemental Type Certificates?**

**a. Section 21.113, Requirement of supplemental type certificate.** The rule amends § 21.113 to require submission of an application for an STC to the “appropriate aircraft certification office” instead of to the “Administrator.” The intent of this change is to provide flexibility to the FAA in managing the STC process. The rule enables more efficient and effective use of FAA resources and is consistent with the open application process used for other design approvals.

**b. Section 21.117, Issue of supplemental type certificates.** The rule amends § 21.117 by replacing the words “if he” in paragraph (a) with “if the FAA finds that the applicant.” The intent of this change is to clarify that issuance of a STC occurs only after the FAA makes a finding of compliance to the applicable regulations.

**c. Section 21.119, Privileges.** The rule amends § 21.119(c) by adding “in accordance with the requirements of subpart G of this part.” The intent of this change is to clarify that issuance of a production certificate (PC) occurs only after the FAA makes a finding of compliance to the applicable regulations.

## **12. What's new to the rule in subpart F, Production Under Type Certificates?**

**a. Section 21.122, Location of or change to manufacturing facilities.** The rule amends subpart F by adding § 21.122(a) to clarify and relieve requirements related to location of manufacturing for production under a TC only. As the FAA considered amending subpart F to clarify that it does not apply to manufacturing in a foreign country, the FAA decided instead to allow manufacturing under a TC only in a foreign country as

long as it presents “no undue burden” to the FAA. This change facilitates global manufacturing under certain circumstances. The FAA will not allow production under a TC only in a foreign country for a first-time applicant. However, if an applicant has a PC and produces major aircraft or engine components outside the United States, the FAA will allow production under a TC only for a new model if it determined that there would be no undue burden on the FAA in administering the applicable requirements.

**b. Section 21.123, Production under type certificate.** The rule revises § 21.123 to include the following:

(1) Clarifies that the holder of a TC is authorized to manufacture articles for its type-certificated products.

(2) Removes language specifying detailed types of design information that must be maintained at the place of manufacture and replaces it with references to sections where that information is defined more thoroughly.

(3) Adds paragraph (c) to require each manufacturer of a product or part under a TC only to maintain complete and current inspection records. These records would show that all inspections and tests required to ensure compliance with this part have been properly completed and documented.

(4) Requires records to be retained for 5 years, increasing the record retention requirements for all PAHs and for persons producing under a TC only to 5 years for the products and parts manufactured under the approval and at least 10 years for critical components identified under § 45.15(d).

(5) Adds paragraph (d) to require each manufacturer of a product or article being manufactured under a TC only to allow the FAA to make any inspection and test necessary to determine compliance. This includes any inspection and test at a supplier facility.

(6) Requires each manufacturer under a TC only to obtain FAA Form 8130-3, Authorized Release Certificate, from the FAA or its designee for each aircraft engine, propeller, article, or shipment thereof produced under that TC that conforms to its approved design and is in a condition for safe operation.

(7) Removes paragraphs (c) and (d) and replaces them with paragraph (f) to eliminate production under an Approved Production Inspection System and require TC holders to obtain a PC for that product in accordance with subpart G within 6 months after the date of issuance of the TC.

**c. Section 21.130, Statement of conformity.** The rule revises and reformats § 21.130 to be more clear. Further, § 21.130 requires a statement of conformity for aircraft sold to the U.S. military. The intent of this change is to help the FAA establish conformity to type design on aircraft bought from the military and converted to civil use.



### 13. What's new to the rule in subpart G, Production Certificates?

**a. Section 21.131, Applicability.** Incorporates minor changes in the organization of this section to improve clarity.

**b. Section 21.132, Eligibility.** Minor editorial changes are made to the eligibility requirements for a PC. See the following: Amend this section by replacing “he” with “that person” in support of plain language.

**c. Section 21.133, Application.** Redesignates § 21.133(b) as § 21.133. The intent of this change is to present regulations applicable to all PAHs in subparts G, K, and O using the same format.

**d. Section 21.135, Organization (§§ 21.305 and 21.605).** Requires each applicant for a PC, PMA, and TSO authorization to submit to the FAA a description of the applicant's management organization and how that organization would ensure compliance with the provisions of subpart G, K, and O, respectively.

**e. Section 21.137, Quality System (§§ 21.307 and 21.607).** Previously, the quality system requirements for holders of PMAs were different from quality system requirements for holders of PCs and TSO authorizations. The new rule standardizes the quality system requirements for all PAHs. Specifically, the rule requires that the quality system include elements as defined in § 21.137(a) through (o). These requirements are incorporated in subparts K and O, §§ 21.307 and 21.607 respectively, by reference.

**f. Section 21.138, Quality Manual (§§ 21.308 and 21.608).** Requires each applicant for a PC, PMA, and TSO authorization to submit to the FAA for approval a quality manual describing its quality system. The quality manual must address each of the requirements related to the quality system in subparts G, K, or O for an applicant for a PC, PMA, or TSO authorization, respectively. The quality manual must also address revisions to the manual and a means of tracking revisions to the manual acceptable to the FAA. In addition, the rule requires the quality manual to be in the English language and retrievable in a form acceptable to the FAA. The intent of the rule is to ensure that regardless of the media used, the quality manual is easily available to PAH and FAA personnel who need to use this documentation for performing their duties. The quality manual may be in a digital, computer-based medium.

**g. Section 21.139, Location of manufacturing facilities (§§ 21.309 and 21.609).** Standardizes language of current requirements pertaining to location of manufacturing facilities in §§ 21.137, 21.303(g), and 21.601(c) for a holder of a PC, PMA, and TSO authorization, respectively. In addition, the rule adds a requirement that the holder of the production approval obtain approval from the FAA for any change in location or expansion of its manufacturing facilities before the change is implemented. The intent of the rule is to relax the current requirement for PC holders. A change in location of a manufacturing facility will use an approval process instead of a certificate termination and reapplication process under the new requirements of §§ 21.159 and 21.143, respectively. In addition, the intent is to standardize this approach for all PAHs.

**h. Section 21.140, Inspections and tests (§§ 21.310 and 21.610).** Standardizes the language of current requirements pertaining to inspections and tests in §§ 21.157, 21.303(e) introductory text, and 21.615 for an applicant for or a holder of a PC, PMA, and TSO authorization, respectively. The intent of the rule is to use the same language to impart the same meaning. In addition, the rule amends these requirements to clarify that the scope of these inspections and tests applies to supplier facilities. The intent of the rule is to ensure the FAA has the requisite access to facilities and cooperation of the manufacturer to administer applicable requirements.

**i. Section 21.141, Issuance (§§ 21.311 and 21.611).** Standardizes the language of current requirements pertaining to the issuance of a PC, PMA, and TSO authorization in §§ 21.135, 21.303(d), and 21.605(c), respectively. The intent of the rule is to use the same language to impart the same meaning. In addition, the rule is intended to remove detailed responsibilities of the FAA related to this issuance, because regulations are not intended to impose requirements upon the FAA.

**j. Section 21.142, Production limitation record.** Amends the requirements for the production limitation record to reflect more accurately the contents of this record.

**k. Section 21.143, Duration.** Moves the location of the manufacturing facilities requirement to § 21.139. The intent of the rule is discussed under § 21.139, Location of manufacturing facilities. It may be helpful to note that the regulatory language related to the duration of a PC is different from the corresponding language related to the duration of other production approvals. The difference is driven by the fact that a PC is a statutory entitlement, whereas other production approvals are not. This section retains the statutory language related to the duration of PCs.

**l. Section 21.144, Transferability (§§ 21.314 and 21.614).** Standardizes the language and format of requirements pertaining to the transferability of a PC, PMA, and TSO authorization previously mentioned in §§ 21.155, 21.303(i), and 21.621, respectively.

**m. Section 21.145, Privileges.** Redesignates § 21.163 as § 21.145 as part of the revision and resultant reorganization of this subpart.

**n. Section 21.146, Responsibility of holder (§§ 21.316 and 21.616).** Establishes requirements for the holder of a PC, PMA, or TSO authorization as set forth in paragraphs (a) through (g) of §§ 21.146, 21.316, and 21.616, respectively. All holders of a production approval have the same responsibilities under these parts.

**o. Section 21.147, Amendment of production certificates.** Revises the heading and the section to incorporate minor editorial changes to clarify this requirement and to revise cross-references to reflect revisions to subpart G.

**p. Section 21.150, Changes in quality system (§§ 21.320 and 21.620).** Expands the requirement for a PAH, under subpart G, to notify the FAA of any change that may affect the inspection, conformity, or airworthiness of its product or article. In addition, this notification requirement is added to subparts K and O for any changes that may affect the inspection, conformity, or airworthiness of parts or articles manufactured by the holder of a PMA or TSO authorization, respectively.

#### **14. What's new to the rule in subpart H, Airworthiness Certificates?**

**a. Section 21.183, Issue of standard airworthiness certificates for normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; and special classes of aircraft.** Paragraphs in this section are revised as described in the following table:

| <b>Paragraph</b> | <b>Revision</b>  |
|------------------|--|
| 21.183(c)        | Entitles a person to a standard airworthiness certificate for an aircraft that is imported to the United States through an export certificate of airworthiness provided there is a § 21.21 TC, the aircraft is manufactured under a foreign State of Manufacture through a licensing agreement, and there is no undue burden on the FAA. |
| 21.183(d)(2)     | Allows aircraft to be inspected in accordance with the performance rules for 100-hour inspections set forth in 14 CFR § 43.15, or an equivalent performance standard acceptable to the FAA.  |

**b. Section 21.185, Issue of airworthiness certificates for restricted category aircraft.** Revises paragraph (c) to entitle a person to a restricted category airworthiness certificate for an aircraft imported to the United States through an export certificate of airworthiness provided there is a § 21.25 TC, the aircraft is manufactured under a foreign State of Manufacture through a licensing agreement, and there is no undue burden on the FAA.

**c. Section 21.195, Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.** Paragraph (d) entitles an applicant to an experimental airworthiness certificate if certain requirements are met. A requirement, as specified in paragraph (d)(2), is that the applicant shows, unless otherwise acceptable to the FAA, that the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type-certificated aircraft that has been modified.

**d. Section 21.197, Special flight permits.** Amends § 21.197(c) by replacing the references to §§ 121.79 and 135.17 with a reference to § 119.51, and by adding a reference to § 91.1017. It also allows certificate holders under § 135.411 with an approved program to be eligible for a continuing authorization to issue special flight permits for the purpose of maintenance.

#### **15. What's new to the rule in subpart I, Provisional Airworthiness Certificates?**

Only global changes, as listed in paragraph 6 of this AC, were made to this subpart.

## 16. What's new to the rule in subpart J, Delegation Option Authorization Procedures?

**a. Section 21.267, Production certificates.** Revises paragraph (d) to replace the current reference to § 21.143 with a reference to § 21.137, the quality system requirements. The rule also replaces the current reference to “quality control” in paragraph (d) with a reference to “quality system.”

**b. Section 21.293, Current records.** Revises paragraph (a)(2) to increase the record retention requirements described therein for manufacturers from 2 years to 5 years, consistent with the proposed changes to subparts G, K, and O.

## 17. What's new to the rule in subpart K, Parts Manufacturer Approvals?

Subpart K was revised by using subpart G as the model. All subsections applicable to subpart K can be found in subpart G, except §§ 21.303 and 21.305, which were moved to subpart A to reduce the scope of subpart K to PMAs only. The title of subpart K was subsequently changed to “Parts Manufacturer Approvals.” Subpart K also requires the same quality system and quality manual requirements as for PCs. Further, the rule requires that an airworthiness approval (FAA Form 8130-3) be issued by the PAH for each part manufactured under this subpart. Finally, the rule adds a statement of compliance requirement for PMA applicants.

## 18. What's new to the rule in subpart L, Export Airworthiness Approvals?

**a. Section 21.321, Applicability.** Revises this section by retaining current paragraphs (a), (a)(1), and (a)(2) and redesignating them as introductory text and paragraphs (a) and (b), respectively. The effect of this revision is to delete the definitions of class I, class II, and class III products and of “newly overhauled” in paragraph (b).

**b. Section 21.323.** Removed this section related to eligibility for export airworthiness approvals. Sections 21.329 and 21.331 include eligibility provisions.

**c. Section 21.325, Export airworthiness approvals.** The following changes are made to this section:

(1) FAA Form 8130-4, Export Certificate of Airworthiness, will be used for aircraft.

(2) Export certificates of airworthiness will no longer be issued for aircraft engines and propellers.

(3) Requirements related to flight-testing new aircraft were relocated from subpart L to subpart G, because subpart G clarifies that each aircraft produced must be flight-tested.

(4) Removes regulatory language related to issuing export airworthiness approvals for unassembled aircraft.

(5) Unassembled aircraft will be treated like any other aircraft that do not meet the requirements for the issuance of an export certificate of airworthiness under the provisions of § 21.329(b).

(6) Form 8130-3, Authorized Release Certificate, will be used for articles and for issuing export airworthiness approvals for aircraft engines and propellers.

(7) The FAA may permit a PAH to issue export airworthiness approvals at a supplier facility in a foreign country or jurisdiction if the PAH has established and implemented supplier control procedures acceptable to the FAA. Any burden on the FAA from other exporters could be mitigated by using a designated representative of the Administrator to issue these approvals. In addition, issuance of an export airworthiness approval for a new aircraft engine, propeller, or article becomes the responsibility of the PAH, instead of the FAA, as discussed under proposed § 21.331(a).

**d. Section 21.327, Application.** Relegates detailed application requirements from the regulations to FAA policy and clarifies that any person may apply for an export airworthiness approval. An applicant would use FAA Form 8130-1, Application for Export Certificate of Airworthiness, to apply for an export certificate of airworthiness. A PAH would not have to apply for an export airworthiness approval for a new aircraft engine, propeller, or article.

**e. Section 21.329, Issuance of export certificates of airworthiness.**

(1) Revises this section to provide requirements related to issuance of export certificates of airworthiness for aircraft. Under regulations in effect since 1965, the requirements for export airworthiness approvals have helped to ensure the export of quality products that meet safety standards at least as high as those applicable to products for domestic use. The decision to accept products that have not been inspected or overhauled will properly rest with the airworthiness authority of the importing country or jurisdiction. Without approval of the importing authority, a product not meeting FAA regulatory standards or importing authority requirements will not be issued an export airworthiness approval. U.S. manufacturers and exporters may be relieved of the burden of inspections and overhaul requirements, potentially representing substantial savings.

(2) Allows an aircraft that meets the requirements under subpart H of this part for a special airworthiness certificate in either the “primary” or “restricted” category to receive an export certificate of airworthiness. An export certificate of airworthiness represents a statement from the FAA that a given aircraft conforms to its type design and is in a condition for safe operation. Because an aircraft in either the “primary” or “restricted” category has a type design, adequate basis exists for issuing an export certificate of airworthiness for such an aircraft that conforms to its type design and is in a condition for safe operation.

(3) Relocates the previous requirements of §§ 21.329(g) and 21.325(c) and revises them to improve clarity.

(4) Revises the paragraphs in this section as described in the following table:

| Paragraph    | Revision   |
|--------------|--|
| 21.329(a)    | Provides specific requirements for issuance of export certificates of airworthiness.   |
| 21.329(a)(1) | Clarifies that an export certificate of airworthiness may be issued for a new aircraft manufactured under subparts F or G of this part or a used aircraft originally manufactured under subparts F or G of this part, to include manufacture outside of the United States. |
| 21.329(a)(3) | Requires that each requirement of the importing country or jurisdiction be met.  |
| 21.329(b)    | Includes provisions for exceptions to proposed paragraph (a) requirements related to issuance of export certificates of airworthiness for aircraft.  |

(5) Removes paragraphs (c) and (e) that required used aircraft needing an export certificate of airworthiness to undergo an annual type inspection and be approved for return to service, and used engines and propellers to be newly overhauled.

**f. Section 21.331, Issuance of export airworthiness approvals for aircraft engines, propellers, and articles.** Amends provisions and requirements for issuing export airworthiness approvals for new and used aircraft engines, propellers, and articles. Paragraph (a) addresses the issuance of export airworthiness approvals by PAHs. Paragraph (b) includes provisions for exceptions to the requirements of this section.

(1) Permits a PAH to issue an export airworthiness approval for a new aircraft engine, propeller, or article it manufactured under this part, which is the same as for amendments to subparts G, K, and O of Part 21 that require a PAH to issue domestic airworthiness approvals.

(2) Only airworthiness approvals issued under subpart L of Part 21 are eligible for use as export airworthiness approvals; however, if the PAH issues the original airworthiness approval as an export airworthiness approval under subpart L, that export airworthiness approval would also satisfy the requirements for issuing an airworthiness approval under subparts G, K, or O.

(3) Permits issuance of export airworthiness approvals for new and used aircraft engines, propellers, and articles. However, the FAA or its designees would only issue approvals for new aircraft engines, propellers, and articles, for a PAH, under limited circumstances. These circumstances would include providing training to FAA inspectors or designees, maintaining job proficiency for FAA inspectors or its designees, and helping the PAH in an emergency. The FAA or its designees also may issue an export airworthiness approval for a new aircraft engine, propeller, or article for a person who is not a PAH. This expands current subpart L provisions by allowing a U.S. exporter who is not a PAH to export what previously was referred to as class III products.

The FAA or its designees may also issue an export airworthiness approval for a used aircraft engine, propeller, or article. The FAA would only issue these approvals for items that—

- Conform to their approved designs and are in a condition for safe operation; and
- Meet each requirement of the importing country or jurisdiction.

Used aircraft engines and propellers will no longer be required to be newly overhauled as discussed for proposed § 21.329. In addition, subpart L currently has no provision for issuing export airworthiness approvals for used articles.

**g. Section 21.335, Responsibilities of exporters.** Requires that the exporter forward to the importing country or jurisdiction all documents specified by that country or jurisdiction. This recognizes the ability of a country or jurisdiction to define its requirements. Paragraph (b) requires the exporter to preserve and package products and articles as necessary to protect them against corrosion and damage during transit or storage.

**h. Sections 21.337 and 21.339.** These sections were removed.

#### **19. What’s new to the rule in subpart M, Designated Alteration Station Authorization Procedures?**

Only global changes, as listed in paragraph 6 of this AC, were made to this subpart.

#### **20. What’s new to the rule in subpart N, Acceptance of Aircraft Engines, Propellers, and Articles for Import?**

**a. Section 21.500, Acceptance of aircraft engines and propellers.** Revises this section as follows:

- (1) Reorganizes this section to improve clarity.
- (2) Removes the word “approval” and adds in its place the word “acceptance.”
- (3) Requires that each aircraft engine and propeller is identified in accordance with Part 45.
- (4) Replaces the words “a certificate of airworthiness for export” with “an airworthiness approval for export.”

**b. Section 21.502, Acceptance of articles.** Revises this section as follows:

- (1) Reorganizes this section to improve clarity.
- (2) Replaces the words “approval of materials, parts, and appliances” with “acceptance of articles.”
- (3) Replaces the words “a certificate of airworthiness for export” with “an airworthiness approval” as discussed under § 21.500.
- (4) Adds a requirement that an article produced under a letter of TSO design approval be marked in accordance with Part 45 to meet the requirements for acceptance.
- (5) Removes current paragraph (b) requirements. These requirements originated with Part 10 of the Civil Air Regulations and are no longer used for issuing approvals.

**21. What’s new to the rule in subpart O, Technical Standard Order Authorizations?**

Subpart O was revised by using subpart G as the model. In addition, it requires that an airworthiness approval (Form 8130-3) be issued by the PAH for each article manufactured under this subpart.

**22. What are the related reading materials associated with the rule change?**

- a. The following documents are associated with the rule change:
  - (1) Notice of Proposed Rulemaking (NPRM) and Preamble Language, Part 21;
  - (2) AC 21-PAH, Issuance of Production Approvals Under Subparts G, K, and O;
  - (3) AC 21-Subpart L, Issuance of Export Airworthiness Approvals Under 14 CFR Part 21, Subpart L; and
  - (4) AC 45-2, Identification and Registration Marking.

b. You may view and print the CFR and Aircraft Certification Service ACs on the FAA Web site at <http://airweb.faa.gov/rgl>.

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